

111TH CONGRESS  
2D SESSION

# S. 3172

To support counternarcotics and related efforts in the Inter-American region.

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IN THE SENATE OF THE UNITED STATES

MARCH 25, 2010

Mr. MENENDEZ (for himself and Mr. KERRY) introduced the following bill;  
which was read twice and referred to the Committee on Foreign Relations

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## A BILL

To support counternarcotics and related efforts in the Inter-American region.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Counternarcotics and  
5       Citizen Security for the Americas Act of 2010”.

6       **SEC. 2. DEFINITIONS.**

7       In this Act:

8               (1)   CURRENT    COUNTERNARCOTICS    PRO-  
9       GRAMS.—The term “current counternarcotics pro-  
10      grams” refers to programs in the Region authorized  
11      as of the date of the enactment of this Act pursuant

1 to section 481(a)(4) of the Foreign Assistance Act  
2 (22 U.S.C. 2291(a)(4)) regarding international nar-  
3 cotics control that involves amounts appropriated for  
4 countries in the Region under the International Nar-  
5 cotics Control and Law Enforcement, Economic  
6 Support Fund, Development Assistance, Transitions  
7 Initiatives, Foreign Military Financing Program, or  
8 Nonproliferation, Anti-Terrorism, Demining and Re-  
9 lated Programs accounts, as they relate to the goals  
10 of—

11 (A) reducing the production, flow, and con-  
12 sumption of illicit narcotics in the Americas;

13 (B) enhancing the security and economic  
14 opportunity of the people of such countries; and

15 (C) building the democratic civilian institu-  
16 tions responsible for meeting these goals.

17 (2) MERIDA INITIATIVE.—The term “Merida  
18 Initiative” refers to the program announced by the  
19 United States Government and the Government of  
20 Mexico on October 22, 2007, to fight illicit narcotics  
21 trafficking and criminal organizations.

22 (3) REGION.—The term “Region” refers to all  
23 the countries of Central and South America, Mexico,  
24 and the Caribbean.

1 **SEC. 3. FINDINGS.**

2 Congress makes the following findings:

3 (1) The drug crisis in the Western Hemisphere  
4 remains a significant threat to the United States na-  
5 tional interest and imposes tremendous costs to the  
6 security and well being of all countries in the West-  
7 ern Hemisphere. The United States is the primary  
8 market for illicit narcotics from the Region.

9 (2) Numerous studies have shown that although  
10 countries throughout the Region face drug consump-  
11 tion problems, the United States has long been the  
12 country with largest drug consumption, and demand  
13 in the United States is a key driver of the narcotics  
14 trade in the Region.

15 (3) On March 25, 2009, Secretary of State Hil-  
16 lary Clinton stated, “Our insatiable demand for ille-  
17 gal drugs fuels the drug trade” and “I feel very  
18 strongly we have a co-responsibility.”.

19 (4) The illicit production, transportation, sale,  
20 and consumption of illicit narcotics—

21 (A) acts as a destabilizing force through-  
22 out the Western Hemisphere;

23 (B) is a source of funding for terrorist and  
24 criminal activities; and

1 (C) inhibits the social and economic devel-  
2 opment of each affected country in the Western  
3 Hemisphere.

4 (5) Weak institutions in the Region are at the  
5 core of the challenge of dismantling and disabling  
6 drug trafficking organizations and providing legal al-  
7 ternatives to participation in illicit activities. Long-  
8 term solutions to security problems in the Region  
9 depend on strengthening civilian institutions and  
10 holding them accountable.

11 (6) The United States Government reporting  
12 planning, and strategic analysis for counternarcotics  
13 and related programs is carried out only on a year-  
14 to-year basis. The fight against drugs requires a  
15 long-term vision and extensive cooperation among  
16 producing, transit, and consuming nations.

17 (7) Colombia has been a valued partner of the  
18 United States in combating the production and flow  
19 of illicit narcotics for many years. Since 1999, the  
20 United States Government has invested over  
21 \$7,000,000,000 in programs assisting the people  
22 and Government of Colombia in their efforts.

23 (8) Mexico is a strategic ally and partner of the  
24 United States. In working to stem the flow of illegal  
25 narcotics into the United States, the United States

1 Government and the Government of Mexico have  
2 begun to cooperate at an unprecedented level to con-  
3 front the threat of illicit narcotics trafficking, orga-  
4 nized crime, and violence along our shared border.

5 (9) The challenges addressed by the Merida Ini-  
6 tiative, which was initially conceived as a 3-year ini-  
7 tiative by President Calderon's administration, will  
8 require a longer commitment of cooperation on the  
9 part of the United States and countries in the Re-  
10 gion.

11 (10) The Government of Mexico sought a great-  
12 er role for the Mexican military in stabilizing the se-  
13 curity situation in the short-term and has committed  
14 to undertake the civilian institution-building, train-  
15 ing, and reform that is necessary to establish civilian  
16 authorities and civil society mechanisms needed to  
17 achieve strategic solutions.

18 (11) The long-term solution will require—

19 (A) less military involvement in enforcing  
20 the law;

21 (B) more effective local, regional, and Fed-  
22 eral law enforcement institutions to deal with  
23 the challenge; and

24 (C) improvements in the judicial institu-  
25 tions, the rule of law, and viable and licit eco-

1            nomic opportunities for underprivileged popu-  
2            lations in Mexico.

3            (12) The United States Government will part-  
4            ner with the Government of Mexico in its efforts to  
5            further engender—

6                    (A) disrupting organized criminal groups;

7                    (B) institutionalizing reforms to sustain  
8            the rule of law, engender respect for human  
9            rights, and ensure accountability;

10                    (C) creating a 21st century border; and

11                    (D) building strong and resilient commu-  
12            nities.

13            (13) Central America is confronting an array of  
14            violent crime, including youth and gang violence,  
15            drug trafficking, and organized crime and is increas-  
16            ingly an area of transshipment of illicit narcotics.  
17            Many of the governments along the isthmus are  
18            committed and willing, yet ill-prepared to unilater-  
19            ally deal with the threat and need United States co-  
20            operation.

21            (14) As in Mexico and the Andean region, long-  
22            term solutions in Central America require civilian in-  
23            stitution-building and improvements in judicial insti-  
24            tutions, rule of law, human rights, and economic op-  
25            portunity for underprivileged populations.

1           (15) Countries in the Caribbean are also vul-  
 2           nerable to similar threats from drug traffickers and  
 3           organized crime that are facing Mexico, Central  
 4           America, and the Andean region including, in some  
 5           countries, a flow of illicit funds through sophisti-  
 6           cated money-laundering schemes.

7   **SEC. 4. STATEMENT OF POLICY.**

8           (a) PARTNERSHIP DEVELOPMENT.—One of the high-  
 9           est strategic policy goals of the United States in the West-  
 10          ern Hemisphere is to protect the safety of citizens through  
 11          the development and success of partnerships.

12          (b) UNITED STATES INTERESTS.—It is in the inter-  
 13          est of the United States—

14               (1) to make a long-term commitment to assist  
 15          the countries of the Region—

16                       (A) to improve citizen safety by combating  
 17                       illicit narcotics production, trafficking, and dis-  
 18                       tribution, and money laundering;

19                       (B) to invest in prevention programs, espe-  
 20          cially programs that—

21                               (i) keep young people in school;  
 22                               (ii) work with at-risk youth; and  
 23                               (iii) prevent domestic violence;

1 (C) to invest in programs that generate  
2 licit economic and social opportunities, particu-  
3 larly for marginalized populations;

4 (D) to increase intelligence sharing;

5 (E) to improve security coordination in the  
6 Region;

7 (F) to improve border and customs capa-  
8 bilities;

9 (G) to professionalize law enforcement, jus-  
10 tice, and other governmental institutions; and

11 (H) to decrease reliance on the use of mili-  
12 taries for law enforcement purposes;

13 (2) to anticipate and plan for the “balloon ef-  
14 fect”, in which successful counternarcotics efforts in  
15 one area drive narcotics-related activities to other  
16 areas;

17 (3) to counter, to the greatest extent possible,  
18 the underlying causes of the drug trade in the  
19 source, transit, and demand zones;

20 (4) to use all relevant branches and depart-  
21 ments of the United States Government and to work  
22 in a coordinated manner with the countries in the  
23 Region to jointly devise a strategy for addressing  
24 narcotics trafficking and the threats to citizen safety  
25 that employs clear and consistent performance indi-



1 cators and systems of measurement, monitoring, and  
2 evaluation that are universally accepted;

3 (5) to recognize that other threats to the safety  
4 of citizens, such as pandemics, food security, or nat-  
5 ural disasters caused by environmental changes,  
6 have transnational effects and call for new response  
7 and mitigation tools, including new partnerships  
8 that more effectively strengthen, mobilize, and link  
9 the will and capacity of governments and societies  
10 throughout the Region;

11 (6) to coordinate, to the extent feasible and  
12 without hindering or otherwise harming ongoing  
13 United States law enforcement or intelligence activi-  
14 ties, information and strategies with United States  
15 partners to stem the production and trafficking of il-  
16 licit narcotics, particularly when the cartels that  
17 produce and transport illegal drugs have a direct or  
18 indirect role in the networks that distribute such  
19 drugs inside the United States;

20 (7) to work with regional partners to encourage  
21 the institutional strengthening of criminal justice in-  
22 stitutions—

23 (A) to successfully counter gang violence,  
24 drug trafficking, and other major crimes; and

1 (B) to improve overall public safety in the  
2 affected countries;

3 (8) to undertake such cooperation in a manner  
4 consistent with a commitment to ensuring the free  
5 flow of trade and other legal commercial and finan-  
6 cial interaction between the United States and coun-  
7 tries in the Region; and

8 (9) to strengthen mechanisms to coordinate se-  
9 curity and counternarcotics assistance with the  
10 countries in the Region and other bilateral and mul-  
11 tilateral agencies—

12 (A) to ensure a common and comprehen-  
13 sive strategy;

14 (B) to most effectively use available re-  
15 sources; and

16 (C) to avoid duplication of efforts.

17 (c) COORDINATION.—The initiatives set forth in sub-  
18 section (b) should be—

19 (1) closely coordinated to maximize their effec-  
20 tiveness;

21 (2) adjusted, as necessary, in accordance with  
22 their progress; and

23 (3) undertaken under a common framework to  
24 advance key strategic priorities.

1 **SEC. 5. INTER-AMERICAN COUNTERNARCOTICS STRATEGY**  
2 **REPORT.**

3 Section 489(a) of the Foreign Assistance Act of 1961  
4 (22 U.S.C. 2291h(a)) is amended by adding at the end  
5 the following:

6 “(9) INTER-AMERICAN COUNTERNARCOTICS  
7 STRATEGY REPORT.—For the countries of Central  
8 and South America, Mexico, and the Caribbean (re-  
9 ferred to collectively in this paragraph as the ‘Re-  
10 gion’), a report on the United States Government’s  
11 multiyear interagency counternarcotics strategy that  
12 describes the following:

13 “(A) The United States counternarcotics  
14 multi-year strategy for the Region, including—

15 “(i) a description of particular chal-  
16 lenges in the source, transit, and demand  
17 zones;

18 “(ii) the key policy objectives of the  
19 counternarcotics strategy of the United  
20 States in the Region;

21 “(iii) a detailed description of out-  
22 come-based performance indicators by  
23 which to measure progress toward the ob-  
24 jectives referred to in clause (ii); and

1                   “(iv) a statement of the relationship  
2                   of the strategy referred to in this subpara-  
3                   graph to other regional strategies.

4                   “(B) The integration of diplomatic, crimi-  
5                   nal justice, civil society and economic develop-  
6                   ment, demand reduction, military, and other as-  
7                   sistance to achieve regional counternarcotics  
8                   goals.

9                   “(C) The actions required of the United  
10                  States Government to support and achieve the  
11                  objectives referred to in subparagraph (A)(ii),  
12                  and a description of the requirements for imple-  
13                  menting such actions.

14                  “(D) A set of regional and, as necessary,  
15                  country-specific metrics that—

16                       “(i) is formulated by the United  
17                       States Government through an interagency  
18                       process involving a wide range of stake-  
19                       holders, including consultation with gov-  
20                       ernment and civil society in the respective  
21                       countries regarding the measurement of  
22                       the efforts and results of counternarcotics,  
23                       public security programs, and other activi-  
24                       ties carried out under this Act; and

1 “(ii) reflects the particular challenges  
 2 in source, transit, and demand zone coun-  
 3 tries identified pursuant to paragraph (3).

4 “(E) A description of any instance in  
 5 which a producer or trafficker of illicit narcotics  
 6 has shifted production or transit routes from 1  
 7 place in the Region to another place due to  
 8 pressure from counternarcotics efforts.

9 “(F) A description of the progress of phas-  
 10 ing out law enforcement activities of the armed  
 11 forces of each recipient country, as applicable.

12 “(G) A description of governmental efforts  
 13 to investigate and prosecute allegations of  
 14 human rights abuses committed by security  
 15 agencies.”.

16 **SEC. 6. COORDINATION OF COUNTERNARCOTICS EFFORTS.**

17 (a) SENSE OF CONGRESS.—It is the sense of Con-  
 18 gress that it is in the interest of the United States that  
 19 current counternarcotics programs, which are proposed,  
 20 funded, and managed by various Federal departments and  
 21 agencies, be managed in a way that—

22 (1) maximizes the value added by each depart-  
 23 ment and agency; and

24 (2) ensures interagency efficiencies by—

25 (A) reducing duplication;

1 (B) ensuring consistent operations; and  
2 (C) refining goals and objectives to meet  
3 evolving circumstances.

4 (b) INTERAGENCY COORDINATION.—

5 (1) IN GENERAL.—The President, in accord-  
6 ance with section 481(b) of the Foreign Assistance  
7 Act of 1961 (22 U.S.C. 2291(b)), shall ensure effec-  
8 tive coordination of current counternarcotics pro-  
9 grams among relevant agencies, including—

10 (A) the Department of State;

11 (B) the United States Agency for Inter-  
12 national Development;

13 (C) the Department of Justice;

14 (D) the Department of Defense;

15 (E) the Department of Homeland Security;

16 and

17 (F) the intelligence community.

18 (2) AUTHORITY.—No United States Govern-  
19 ment international counternarcotics or anti-crime  
20 foreign assistance-related activity may be imple-  
21 mented unless it has been approved by the Secretary  
22 of State, under the direction of the President.

23 (3) REVIEW.—The coordination effort described  
24 in paragraph (1) to further the strategy developed  
25 under section 5 shall include a review of—

1 (A) program and policy coordination  
2 among Federal departments and agencies;

3 (B) all United States assistance that per-  
4 tains to current counternarcotics programs in  
5 the Region;

6 (C) public diplomacy efforts to explain the  
7 purposes and scope of current counternarcotics  
8 programs; and

9 (D) best practices on effective strategies  
10 for—

11 (i) reducing domestic demand for il-  
12 licit drug consumption; and

13 (ii) fighting narcotics trafficking and  
14 production to achieve the counternarcotics  
15 goals described in section 7.

16 **SEC. 7. PROGRAM GOALS.**

17 (a) PROGRAM GOALS.—Federal assistance through  
18 current counternarcotics programs shall be provided in the  
19 Region to provide—

20 (1) operational, intelligence, and forensic sup-  
21 port to assist partners in addressing immediate and  
22 long-term challenges, consistent with expanding the  
23 rule of law; and

24 (2) capacity- and institution-building to assist  
25 governments of partner countries in—

- 1 (A) addressing longer term challenges;
- 2 (B) improving the transparency of, and in-
- 3 creasing popular trust in, the civilian institu-
- 4 tions of such governments; and
- 5 (C) providing licit economic opportunities.

6 (b) INSTITUTION-BUILDING.—

- 7 (1) TYPES OF ASSISTANCE.—Institution-build-
- 8 ing efforts to further counternarcotics efforts may
- 9 include—

- 10 (A) national and municipal police
- 11 professionalization, including—

- 12 (i) training in the conduct of inves-
- 13 tigation, operational planning, and the en-
- 14 hancement of operational security;

- 15 (ii) community policing and sup-
- 16 porting the role of police in crime preven-
- 17 tion;

- 18 (iii) training regarding the use of
- 19 force;

- 20 (iv) human rights education and
- 21 training;

- 22 (v) training regarding evidence preser-
- 23 vation and chain of custody;



1 (vi) candidate screening, personnel  
2 evaluation, and police academy curriculum  
3 development;

4 (vii) leadership and management  
5 training, institutional accountability, and  
6 oversight mechanisms; and

7 (viii) training to effectively address  
8 street crime;

9 (B) systemic improvements in judicial and  
10 criminal justice sector institutions, including—

11 (i) courts management and prosecu-  
12 torial and judicial capacity building;

13 (ii) prison reform activities, including  
14 activities relating to anti-gang and anti-or-  
15 ganized crime efforts;

16 (iii) anti-money laundering programs;

17 (iv) victim and witness protection and  
18 restitution;

19 (v) judicial and prosecutorial protec-  
20 tion;

21 (vi) promotion of transparent oral  
22 trials through training for the judicial sec-  
23 tor;

1 (vii) support to strengthen internal  
2 control systems, including inspectors gen-  
3 eral; and

4 (viii) caseload reduction programs;

5 (C) support for the Office of the Attorney  
6 General or similar institution in a country, in-  
7 cluding—

8 (i) judicial processes improvement and  
9 coordination;

10 (ii) enhancement of forensics capabili-  
11 ties;

12 (iii) data collection and analyses;

13 (iv) case tracking and management;

14 (v) financial intelligence functions;

15 and

16 (vi) maintenance of data systems;

17 (D) support for institutions that help pro-  
18 vide licit economic opportunities for at-risk pop-  
19 ulations and populations currently dependent on  
20 illicit economic activities;

21 (E) support for institutions that are in-  
22 volved in prevention, intervention, and rehabili-  
23 tation efforts for youth and populations at risk  
24 of participating in gangs and other forms of  
25 crime or violence; and

1 (F) support for institutions that assist in  
 2 demand reduction in source and transshipment  
 3 countries.

4 (2) FOCUS OF EFFORTS.—Institution-building  
 5 to further counternarcotics efforts should be—

6 (A) carried out in a multi-faceted manner  
 7 that takes into account economic and social de-  
 8 velopment and the ability of the governments in  
 9 the Region to provide basic services to their  
 10 people; and

11 (B) focused on—

12 (i) increasing the capacity of civilian  
 13 government institutions to control illicit  
 14 narcotics production and trafficking;

15 (ii) increasing the ability of justice  
 16 and law enforcement systems—

17 (I) to break up drug trafficking  
 18 organizations and organized crime;  
 19 and

20 (II) to prosecute offenders;

21 (iii) strengthening adherence to inter-  
 22 nationally recognized human rights prac-  
 23 tices;

1 (iv) strengthening efforts to combat  
 2 corruption and increase transparency of  
 3 the institutions involved;

4 (v) stabilizing the security environ-  
 5 ment relating to illicit narcotics production  
 6 and trafficking and organized crime; and

7 (vi) increasing licit economic opportu-  
 8 nities for populations currently dependent  
 9 on illicit economic for livelihoods.

10 (c) CONSIDERATION OF LOCAL CONCERNS.—To the  
 11 greatest extent practicable, programs described in sub-  
 12 section (b) should be implemented—

13 (1) in consultation and coordination with local  
 14 communities; and

15 (2) after considering—

16 (A) the immediate operational objectives  
 17 and the institution-building value of programs;

18 (B) the impact on local economies; and

19 (C) the availability of alternative sources of  
 20 income in areas targeted for eradication of il-  
 21 licit crops.

22 (d) PERFORMANCE INDICATORS AND OVERSIGHT  
 23 MECHANISMS.—

24 (1) IN GENERAL.—United States Government  
 25 agencies involved in counternarcotics programs shall

1 use outcome-based performance indicators and over-  
2 sight mechanisms prescribed by the Secretary of  
3 State—

4 (A) to track the effectiveness of current  
5 counternarcotics programs; and

6 (B) to help direct the allocation of future  
7 resources for counternarcotics activities.

8 (2) CONSULTATION.—Performance indicators  
9 referred to in paragraph (1) should be developed  
10 after consultation with foreign national and local au-  
11 thorities, as appropriate, to address Region-wide and  
12 country-specific circumstances.

13 **SEC. 8. USE OF ASSISTANCE.**

14 (a) SENSE OF CONGRESS.—It is the Sense of Con-  
15 gress that the United States should not provide assistance  
16 for counternarcotics programs in a foreign country un-  
17 less—

18 (1) such assistance will not adversely affect the  
19 human rights situation in the foreign country;

20 (2) there are appropriate procedures in place to  
21 meet the conditions under section 620J of the For-  
22 eign Assistance Act of 1961 (22 U.S.C. 2378a);

23 (3) the equipment and material provided is  
24 being used in a manner consistent with the intent of  
25 the International Narcotics Control Strategy Report

1 with personnel committed to efficient and effective  
2 use of such resources; and

3 (4) the equipment and materials will continue  
4 to be used—

5 (A) to the extent possible, for the purposes  
6 intended by the United States Government;

7 (B) by those agencies for which such as-  
8 sistance is intended;

9 (C) by officials and employees of the gov-  
10 ernment of the foreign country who have been  
11 approved by such government to perform coun-  
12 ternarcotics activities, including activities on the  
13 basis of the background investigations by such  
14 government; and

15 (D) in accordance with the terms and con-  
16 ditions described in chapter 8 of part I of the  
17 Foreign Assistance Act of 1961 (22 U.S.C.  
18 2291 et seq.), particularly those related to ap-  
19 propriate end use monitoring.

20 (b) PROHIBITION ON OPERATIONS INVOLVING IMMI-  
21 NENT USE OF LETHAL FORCE.—

22 (1) IN GENERAL.—Members of the United  
23 States Armed Forces, law enforcement personnel,  
24 and civilian contractors employed by the United  
25 States shall comply with section 481(c) of the For-

1       eign Assistance Act of 1961 (22 U.S.C. 2291) re-  
 2       garding participation in foreign police actions.

3               (2) EXCEPTION FOR CONTINGENCY OPER-  
 4       ATIONS.—Section 481 of the Foreign Assistance Act  
 5       of 1961 is amended—

6               (A) in subsection (b)(1)—

7                       (i) by inserting “and approving” after  
 8               “coordinating”; and

9                       (ii) by inserting “and international  
 10       anticrime purposes” before the period at  
 11       the end; and

12              (B) in subsection (c), by adding at the end  
 13       the following:

14              “(7) EXCEPTION FOR CONTINGENCY OPER-  
 15       ATIONS.—Paragraph (1) shall not apply with respect  
 16       to counternarcotics operations conducted in connec-  
 17       tion with a declared contingency operation if—

18                       “(A) the foreign country in which such op-  
 19       eration takes place agrees to such waiver; and

20                       “(B) such waiver has been approved by the  
 21       Secretary of State.”.

22       (c) USE OF HELICOPTERS.—

23              (1) IN GENERAL.—The President shall take all  
 24       reasonable steps to ensure that—

1 (A) the Federal Government complies with  
 2 section 484 of the Foreign Assistance Act of  
 3 1961; and

4 (B) if any helicopter procured with funds  
 5 provided by the United States is used to aid or  
 6 abet the operations of any terrorist, illegal self-  
 7 defense group, paramilitary organization, guer-  
 8 rilla organization, illegal security cooperative, or  
 9 successor organizations in Colombia, such heli-  
 10 copter shall be immediately returned to the  
 11 United States.

12 (2) USE BY FOREIGN COUNTRIES.—Section  
 13 484(b) of the Foreign Assistance Act of 1961 (22  
 14 U.S.C. 2291c(b)) is amended by adding at the end  
 15 the following: “Aircraft may be made available to  
 16 foreign countries under this chapter, on a case by  
 17 case basis after approval by the Chief of Mission, to  
 18 participate in emergencies, rescues, and humani-  
 19 tarian operations.”.

20 (d) LIMITATIONS ON HERBICIDES.—

21 (1) IN GENERAL.—In monitoring aerial crop  
 22 eradication programs receiving Federal financial as-  
 23 sistance under any counternarcotics program in any  
 24 country in the Region, the Secretary of State shall  
 25 monitor, under chapter 8 of part I of the Foreign



1 Assistance Act of 1961 (22 U.S.C. 2291 et seq.) the  
2 use of a herbicide for aerial eradication to determine  
3 the impact of such use on the environment and the  
4 health of individuals, pursuant to section 481(d) of  
5 such Act.

6 (2) REPORT UPON DETERMINATION OF HARM  
7 TO ENVIRONMENT OR HEALTH.—Section 481(d) of  
8 such Act is amended—

9 (A) in paragraph (2), by striking “In the  
10 annual report required by section 489(a), the”  
11 and inserting “The”; and

12 (B) in paragraph (3)—

13 (i) by striking “If the President” and  
14 inserting the following:

15 “(A) IN GENERAL.—If the President”; and

16 (ii) by adding at the end the fol-  
17 lowing:

18 “(B) CONTENTS.—The determination re-  
19 ported under subparagraph (A) shall indicate  
20 that—

21 “(i) the herbicide is being used in ac-  
22 cordance with label requirements of the  
23 United States Environmental Protection  
24 Agency for comparable use in the United  
25 States and in accordance with local laws;

1 “(ii) in the manner it is being used,  
2 the herbicide—

3 “(I) does not pose unreasonable  
4 risks beyond those permitted by  
5 United States law governing its use in  
6 agriculture or silviculture in the  
7 United States; and

8 “(II) does not pose adverse ef-  
9 fects to humans or the environment,  
10 including endemic species;

11 “(iii) complaints of harm to health or  
12 licit crops caused by such aerial eradi-  
13 cation are thoroughly evaluated; and

14 “(iv) fair compensation is being paid  
15 in a timely manner for meritorious  
16 claims.”.

17 (e) EXCESS PROPERTY.—Section 482(g) of the For-  
18 eign Assistance Act of 1961 (22 U.S.C. 2291a(g)) is  
19 amended by striking “nonlethal excess property from any  
20 agency of the United States Government” and inserting  
21 “excess property from any agency of the United States  
22 Government or from a State or municipal government”.

23 (f) EXCEPTION.—The Secretary of State may waive  
24 any of the limitations under this section if the Secretary  
25 of State—

1           (1) determines that it is in the national interest  
2           of the United States that such limitation not apply;  
3           and

4           (2) notifies the appropriate congressional com-  
5           mittees of such determination.

6 **SEC. 9. SENSE OF CONGRESS REGARDING USE OF CON-**  
7 **TRACTORS.**

8           It is the sense of Congress that, to the extent prac-  
9           ticable—

10           (1) activities undertaken under this Act should  
11           be performed by official employees, personnel, or of-  
12           ficers of the Federal, State, or local government of  
13           the recipient foreign country; and

14           (2) the United States should limit the number  
15           of contractors in a recipient country.

16 **SEC. 10. CONSOLIDATION OF REPORTING REQUIREMENTS.**

17           Section 694 of the Foreign Relations Authorization  
18           Act, Fiscal Year 2003 (Public Law 107–228; 22 U.S.C.  
19           2291 note) is repealed.

20 **SEC. 11. RELATIONSHIP TO OTHER AUTHORITY.**

21           The authority to provide assistance under this Act  
22           is in addition to any other authority to provide assistance  
23           to any country in the Region.

1 **SEC. 12. RULE OF CONSTRUCTION.**

2       Nothing in this Act may be construed to alter, mod-  
3 ify, or otherwise affect the provisions of the Arms Export  
4 Control Act (22 U.S.C. 2751 et seq.) unless otherwise  
5 specified in this Act.

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